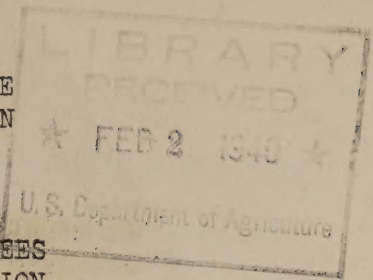


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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
Washington, D. C.



Reserve

POLITICAL ACTIVITY OF OFFICERS AND EMPLOYEES  
OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION.

The recent passage on August 2, 1939, of the Hatch Act, "to prevent pernicious political activities" on the part of Government employees and others, and the elections which are scheduled to occur throughout the country within the coming year have made it advisable to call the attention of officers and employees of the AAA to the various restrictions on political activity which are applicable to such persons. It is the purpose of this circular to indicate and describe activities in which such officers and employees may or may not engage and to answer practical questions that are likely to arise in the near future with regard to political assessments and activity. It is not intended for the guidance of Agricultural Conservation Association employees including committeemen, delegates and officers and such employees should see "Political Activity of Agricultural Conservation Association Employees, Including Committeemen, Delegates and Officers". It is desirable that all such officers and employees of the AAA read this circular thoroughly, in order that they may be aware of the laws and rules applicable to them regarding political assessments and activity.\* It should be borne in mind that the term "officers and employees of the AAA" covers all persons holding formal appointments under or hired for temporary work by the AAA, whether employed in Washington or in the field, including officers or employees who may be detailed from the Washington or State AAA offices to offices of county agricultural conservation associations. It will be noted that rules regarding general political activity, stated in paragraph D of this circular, have been construed as applicable to certain classes of officers and employees only during the period of their active employment.

A. Political Assessments and Solicitations.

It is unlawful for any officer or employee of the AAA to solicit, assess, or receive contributions for political purposes from any other Government officer or employee. 1/ It is illegal for any person to solicit or receive political contributions in buildings used for Government business 2/ or to send letters to such buildings requesting political contributions. 3/ The Criminal Code provides a \$5,000 fine or three years imprisonment, or both, for violators of the foregoing rules. 4/ In addition to this punishment, an officer or employee who solicits or receives political funds from any other person employed by the Government

\* Officers and employees may refer for general information to Political Activity and Political Assessments, United States Civil Service Commission publication, Form 1236, September 1939.

1/ 18 U.S.C. 208, Criminal Code 118; U.S.D.A. Regs., § 1542.

2/ 18 U.S.C. 209, Criminal Code 119.

3/ United States v. Thayer (1908), 209 U.S. 39.

4/ 18 U.S.C. 212, Criminal Code 122.



is required by law to be immediately discharged.<sup>5/</sup> It is a criminal offense for anyone to solicit or receive political contributions from persons known to be drawing Federal emergency relief benefits.<sup>6/</sup> Officers and employees of the AAA are not only barred by law from soliciting or assessing other Government officers and employees for political purposes, but are also prohibited, upon pain of discharge, from soliciting or assessing any other person as part of a political campaign.<sup>7/</sup> Criminal penalties are provided for any person who solicits or accepts payment in return for procuring a position in the Government for any other person.<sup>8/</sup> As a general rule, officers and employees of the AAA must refrain entirely from soliciting or assessing anyone for any political purpose. The solicitations and assessments which are forbidden may be of money or other articles of value.<sup>9/</sup> The selling of tickets or similar participation in activities by officers or employees of the AAA for the purpose of raising political or campaign funds is not permissible, whether considered as solicitation or activity in politics.<sup>10/</sup>

#### B. Political Contributions.

It is a felony for any officer or employee of the AAA to contribute anything for political purposes to anyone else employed by the Government, including a Senator, Representative, Delegate to Congress, or Resident Commissioner.<sup>11/</sup> In addition to being criminally liable, violators of this rule are required to be discharged immediately.<sup>12/</sup> Officers and employees of the AAA are not prohibited from contributing voluntarily to a political party or to a political candidate <sup>13/</sup> (other than an incumbent Senator, Representative, Delegate to Congress, or Resident Commissioner), but they must not take an active part in the campaign of such party or candidate. <sup>14/</sup> In general, voluntary political contributions or payments by officers and employees, if not made to others employed by the Government or to incumbent members of Congress, are not unlawful. This is true of outright gifts as well as of payments for tickets or other payments, all or part of which go into the funds of a political party or candidate.

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<sup>5/</sup> 18 U.S.C. 213.

<sup>6/</sup> Sec. 5 and 8 of the Hatch Act, Public No. 252, 76th Congress, approved Aug. 2, 1939.

<sup>7/</sup> Sec. 9 of Hatch Act; Att'y Gen.'s Cir. No. 3301, Oct. 26, 1939.

<sup>8/</sup> 18 U.S.C. 150, Att'y Gen.'s Cir. No. 3301, 18 U.S.C. 151.

<sup>9/</sup> 18 U.S.C. 209, 210, 211, 213, 150.

<sup>10/</sup> Sec. 9 of Hatch Act; Att'y. Gen.'s Cir. No. 3301.

<sup>11/</sup> 18 U.S.C. 211, 212, Criminal Code, 121, 122.

<sup>12/</sup> 18 U.S.C. 213.

<sup>13/</sup> Message of the President relating to the Hatch Act, Sen.Doc. No. 105, 76th Congress, Aug. 2, 1939; Ex parte Curtis (1892) 106 U.S. 371.

<sup>14/</sup> Sec. 9 of Hatch Act.



C. Running For or Holding of State, Territorial, or Local Offices.

Officers and employees of the AAA are prohibited from running for elective State, Territorial, or local offices and may be forthwith discharged for violation of the rule.<sup>15/</sup> The holding or occupying of State or Territorial offices, except upon approval by the Secretary of Agriculture, or of local offices, with certain exceptions, is likewise forbidden to such persons.<sup>16/</sup> Officers and employees of the AAA may occupy or hold State or Territorial offices, with the Secretary's approval. They are forbidden, however, to occupy or hold most local or municipal offices.<sup>17/</sup> For example, such persons may not hold offices such as that of alderman or councilman or similar positions, with or without compensation, under city, town, or village governments, but they may hold positions on boards of education, school committees, public libraries, or charitable institutions operated under State, Territorial, or city governments and positions such as justice of the peace, notary public, or commissioner to take acknowledgment of deeds or bail or to administer oaths.<sup>18/</sup> In brief, officers and employees of the AAA must refrain from any candidacy for elective State, Territorial, or local office but may accept and hold State or Territorial positions which do not involve political activity, subject to approval by the Secretary. Persons who violate the foregoing rules will be removed from office.<sup>19/</sup>

D. Political Activity.

Officers and employees of the AAA are forbidden by law to use their official authority or influence to interfere with or affect the outcome of any election. Such persons are also prohibited from participating actively, in any capacity, in political management or in political campaigns. Persons employed in administrative positions who use their official authority or influence to interfere with or affect the results of elections for Federal offices are subject to fine or imprisonment, or both. Other officers or employees who use their official authority or influence to interfere with or affect the outcome of any election or who take an active part in politics are required to be discharged immediately and to be paid no further salary.<sup>20/</sup> Officers and employees have the right to vote for whom and what they choose. Public expression of political opinions by employees--orally, by radio, or in writing--is not prohibited, so long as such speaking

<sup>15/</sup> Id.; Att'y Gen.'s Cir. No. 3301.

<sup>16/</sup> Ex. Order of Jan. 17, 1873, as amended by Ex. Orders of Jan. 28, 1873, and June 26, 1907; U.S.D.A. Regs. § 2113.

<sup>17/</sup> Ex. Order of Jan. 17, 1873, as amended.

<sup>18/</sup> Id.; Att'y Gen.'s Cir. 3301.

<sup>19/</sup> Sec. 9 of Hatch Act; Ex. Order of Jan. 17, 1873, as amended.

<sup>20/</sup> Secs. 2, 8, 9 of Hatch Act.

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or writing is not part of an organized political campaign.<sup>21/</sup> Any conduct by an officer or employee that can fairly be described as active participation in "political management or in a political campaign" will warrant his discharge. The following, among others, are prohibited activities: (1) holding office in a political party or political club; (2) attending political conventions as a delegate or alternate; (3) serving on committees of a political party or a political club; (4) distributing buttons or printed matter in support of any candidate or party; (5) serving at party headquarters or as watchers at the polls, or otherwise assisting a party or candidate in any primary or election campaign.<sup>22/</sup> Officers and employees are not forbidden, however, to have membership in political organizations or to attend meetings of such groups other than as officers or delegates.<sup>23/</sup> Neither are they prohibited from participating in the activities of civic associations and educational groups, provided the activities in question are divorced from the campaigns of particular candidates or parties.<sup>24/</sup> For example, membership in Young Republican Clubs, Young Democratic Clubs, Civil Service Reform Associations, the League of Women Voters, and similar bodies is permissible, <sup>25/</sup> provided that the officer or employee does no more than exercise the privileges of membership and does not actively engage in political campaigns undertaken by such groups. The foregoing rules regarding political activity apply to officers and employees of the AAA, including temporary, substitute, and per diem employees, during the period of their active employment, and to employees on furlough or leave, with or without pay.<sup>26/</sup> Thus, persons holding appointments who receive compensation only when actually employed; collaborators, who hold appointments and are paid on a per diem basis; and per diem appointees hired under advice of allotment and authority, are subject to the rules regarding political activity during the period of their active employment.

#### E. Miscellaneous.

It is a felony for an officer or employee of the AAA to promote, demote, or discharge (except as may be required by law) any other employee for contributing or refusing to make contributions to any person, party, or candidate for political purposes. Promises or threats to promote, demote, or discharge any employee for such reasons are likewise felonies.<sup>27/</sup>

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- <sup>21/</sup> Id.; Message of the President relating to the Hatch Act.  
<sup>22/</sup> Att'y Gen.'s Cir. No. 3301. See further U.S.D.A. Regs. § 1542.  
<sup>23/</sup> Id.; Message of the President relating to the Hatch Act.  
<sup>24/</sup> Att'y Gen.'s Cir. No. 3301.  
<sup>25/</sup> Message of the President relating to the Hatch Act.  
<sup>26/</sup> Att'y Gen.'s Cir. No. 3301.  
<sup>27/</sup> 18 U.S.C. 210, Criminal Code 120.



Criminal penalties are provided by statute for any person who promises a Government position or other benefit made possible by any Federal law in return for political activity or non-action by any person.28/

Officers and employees of the AAA are forbidden to discriminate in favor of or against persons in the classified civil service because of political opinions or connections.29/

It is a criminal offense for any person to intimidate, threaten, or coerce any other person in the exercise of his right to vote as he may choose in elections for Federal offices.30/

Membership by officers and employees of the AAA in political parties or groups which advocate the overthrow of constitutional government in the United States is unlawful. Persons who violate this rule are required immediately to be removed from office.31/

It is a criminal offense for anyone (1) to deprive or threaten to deprive any person of Federal emergency relief benefits because of political activity (except as the law may require); (2) to furnish or receive lists of Federal emergency relief clients for political purposes; or (3) to use Federal emergency relief moneys or authority to interfere with or coerce any voter.32/

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27/ 18 U.S.C. 210, Criminal Code 120.

28/ Secs. 3 and 8 of Hatch Act.

29/ Civil Service Rules, Rule 1.

30/ Secs. 1 and 8 of Hatch Act.

31/ Sec. 9A of Hatch Act.

32/ Secs. 4, 6, 7 and 8 of Hatch Act.

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